

**AMENDED
ORDINANCE NO. 15-16**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
MERRILLVILLE, INDIANA TO ESTABLISH A
VACANT AND ABANDONED BUILDING REGISTRATION AND MAINTENANCE
PROGRAM**

Chapter 6 of the Merrillville Municipal Code, Buildings and Building Regulations, is hereby amended to add a new Article as follows:

Article IX – Vacant and Abandoned Building Registration and Maintenance.

Sec. 6-321 Legislative Findings

The Town Council makes the following legislative findings:

- (1) In Merrillville, Indiana, a significant number of unoccupied buildings are not maintained and constitute a hazard to public health, safety and welfare.
- (2) Vacant buildings often become dilapidated because they are not maintained and repaired by their owners.
- (3) Vacant buildings attract children, harbor vermin, shelter vagrants and criminals, and are likely to be damaged by vandals or arsonists.
- (4) Unkempt grounds surrounding vacant and abandoned buildings invite dumping of garbage, trash and other debris.
- (5) Vacant and abandoned buildings contribute to blight, cause a decrease in property values, and discourage neighbors from making improvements to buildings.
- (6) Vacant and abandoned buildings also exert a blighting influence and contribute to the decline of the neighborhood by decreasing property values, discouraging persons from moving into the neighborhood, and encouraging persons to move out of the neighborhood.
- (7) The blighting influence of vacant and abandoned buildings adversely affects the tax revenues of local government.
- (8) Vacant and abandoned buildings create a serious and substantial problem and are public nuisances.
- (9) The Town of Merrillville spends resources and staff time to secure, maintain or otherwise respond to problems associated with vacant and abandoned buildings.

(10) Owners of vacant and abandoned buildings should be held accountable for the physical condition of their buildings. At a minimum they should prevent such buildings from exerting a negative influence on the well-being of the neighborhoods where they are located.

Accordingly, in addition to the property maintenance requirements set forth in the Municipal Code, the Town Council establishes the following standards for registration and maintenance of any real property within the Town of Merrillville which is vacant and abandoned as defined by this article.

Sec. 6-322 Purposes and Intent:

This article:

- (1) Establishes a program for ongoing identification and registration of buildings which have been vacant and abandoned for a certain length of time;
- (2) Establishes responsibilities of owners of these vacant and abandoned buildings; and
- (3) Provides for administration and enforcement of standards related to vacant and abandoned buildings.

This article should be construed liberally to effect its purposes and intent.

Sec. 6-323 Definitions.

For purposes of this article, unless the context otherwise requires, the following words and phrases have the meanings set forth below:

- (1) For purposes of this article, *vacant building* means a structure on a parcel of real property which lacks the habitual presence of human beings who have a legal right to be on the premises, or at which substantially all lawful business operations or residential occupancy has ceased.
- (2) For purposes of this article, *abandoned building* means a structure on a parcel of real property which is: vacant for more than ninety (90) days; the subject of an order issued pursuant to the Indiana Unsafe Building Law; and at which the condition which generated the order has existed for at least thirty (30) days and has not been remedied.
- (3) For purposes of this article an *owner* is a person or entity with a fee interest in a parcel of real property on which a vacant and abandoned building is located, and whose identity and address may be determined from an instrument recorded in the Lake County Recorder's Office.

Sec. 6-324 Continuing Maintenance; Mandatory and Voluntary Registration.

- (1) Upon finding a building vacant and abandoned, the Code Enforcement Officer may issue to the building owner an order for continuing maintenance pursuant to the Unsafe Building Act, IC 36-7-9, as it may be amended from time to time, or pursuant to similar authority granted by State statute, this Code or other statutes, ordinances and regulations.
- (2) The owner of a building that is abandoned as defined by this article shall register the property with the Code Enforcement Officer pursuant to Section 6-326.
- (3) The owner of a building that is vacant but not abandoned within the meaning of this article may opt to register the building with the Code Enforcement Officer, so as to notify Town officials of the Property Manager and exchange other information pertinent to the condition of the building.

Sec. 6-325 Property Manager.

- (1) The owner of a building required to be registered pursuant to this article must appoint a Property Manager residing within fifty (50) miles of the property. The failure to appoint a Property Manager is a violation of this article. The Property Manager may be owner or an agent of the owner.
- (2) An agent acting as the Property Manager must be at least eighteen (18) years of age.
- (3) The Property Manager must be available to government officials by telephone twenty-four (24) hours a day. The owner's failure to make certain that such a Property Manager is available and maintains the property is a violation of this article.

Sec. 6-326 Information Required with Registration.

The owner of a building that is vacant and abandoned shall register the property with the Code Enforcement Officer upon receipt of an order for registration. Registration shall be on a form provided by the Code Enforcement Officer, shall be verified under the penalties for perjury, and shall include the following information:

- (1) The street address of the property;
- (2) The names, addresses and telephone numbers of all persons or entities which hold an ownership, land contract, mortgage, other lien interest or other substantial interest in the property, and all beneficiaries of any land trust which owns the property;

- (3) A copy of the most recently executed deed used to transfer title to the property and the most recently prepared sales disclosure form, if available to the owner;
- (4) The names and residential and business addresses and telephone numbers of the Property Manager;
- (5) The names, addresses and telephone numbers of the insurance agent and the insurance carrier providing insurance coverage for the property as required by this article; and
- (6) The owner's plan for maintenance and repair of the property, including the time within which the owner anticipates completion of all repairs necessary to bring the property into compliance with all property maintenance codes. However, the owner's statement of a plan does not relieve the owner of any orders issued pursuant to the Unsafe Building Law or of any obligations imposed by statute, ordinance or regulation governing the maintenance of property. The Code Enforcement Officer's receipt of a plan does not constitute approval of the owner's plan or of any violation of property maintenance standards.
- (7) The owner is responsible for providing an updated registration form to the Code Enforcement Officer within five (5) business days of any change of ownership or any information provided by the registration. The failure of the owner to provide such updated information within five (5) business days of any change is a violation of this article.

Sec. 6-327 Standards for Maintenance.

- (1) At least once each week, the owner of a property required to be registered under this article must ensure that the property is inspected and secured against unlawful entry, and that it is cleaned and vegetation is mowed. Records of such inspections shall be provided to the Code Enforcement Officer upon request.
- (2) The window and door openings of all buildings on the property shall be secured against unlawful entry by the use of locks designed for such use.
- (3) In order to protect a building against unlawful entry or vandalism while it is vacant, the Code Enforcement Officer may order the owner to secure the windows and doors of the building by the use of boarding. If boarding is used to secure the building, the following standards must be met: Windows shall be framed by two-inch by four-inch (2"x4") boards secured with plywood to the frame by using six (6) seven-inch lag bolts into King studs in all corners and in the center of the vertical boards. The plywood must be 4-ply CDX sheathing or approved equivalent material, no less than one-half (1/2) inch in thickness and attached by

tamper proof screws no less than three (3) inches in length. The screws must be type W for wood and type S for steel, and must be applied to a maximum of eight (8) inches on center.

- (4) Boarding of a vacant structure is to be considered a temporary and not a long-term method of securing the building. Any boards applied to secure doors and windows for more than thirty (30) days must be surface coated with exterior grade paint so as to reduce the blighting effect on the immediate neighborhood.

Sec. 6-328 Annual Registration Fee.

- (1) The owner of any building required to be registered under this article shall pay an annual registration fee to the Clerk Treasurer upon registration. However, the owner of a building that is vacant but not abandoned within the meaning of this article, who voluntarily registers the building pursuant to Subsection 6-324(3), is not required to pay a registration fee.
- (2) If the building is used for or zoned for residential purposes and contains not more than three (3) residential units the registration fee shall be one hundred dollars (\$100.00) per year.
- (3) If the building is used or zoned for residential purposes and contains more than three (3) residential units, or if it is used or zoned for any non-residential purposes, the fee shall be two hundred dollars (\$200.00) per year.
- (4) The purpose of the registration fee is to reimburse the Town of Merrillville for the costs of monitoring the property by staff, and the additional costs of responding to emergencies and property maintenance requirements for a vacant and abandoned building, which includes but is not limited to personnel costs associated therewith to enforce compliance with regard to repairs, demolition, blight elimination, deconstruction, and legal expenses incurred by the city.
- (5) The Code Enforcement Officer shall have the limited authority to waive accrued fees on a case by case basis when those costs are determined to impede positive action on an individual property to rehabilitate it for public benefit.
- (6) The Code Enforcement Officer shall produce and maintain records showing when a property has been repaired; when a property has become occupied, secured and has its utilities turned on; when a property has been demolished, and when a property has been placed under contract for demolition prior to December 31st of each calendar year; and each of those properties which can be verified as meeting one of these criteria shall then not be required to register and pay the annual registration fee.

- (7) The Code Enforcement Officer shall file with the Office of the Clerk Treasurer and the Town Council an Annual Report no later than the first Monday of May which details the buildings which paid a registration fee for each category addressed herein; the cases in which the accrued fees and/or fines were waived; and other pertinent data related to property registration and the collection of registration fees.

Sec. 6-329 Liability Insurance.

- (1) The owner of any property required to be registered by this article must maintain a policy of liability insurance for the building, and must provide to the Code Enforcement Officer the name, address and telephone number of the insurance agent and insurance carrier, along with a copy of the certificate or other proof of insurance coverage. The coverage required shall be not less than one hundred thousand dollars (\$100,000.00) per occurrence and one hundred thousand dollars (\$100,000.00) in the aggregate.
- (2) The policy of insurance must require the agent or carrier to provide fifteen (15) days' advance notice of cancellation to the Code Enforcement Officer.

Sec. 6-330 Exemptions.

The Code Enforcement Officer may exempt a property from the registration requirements of this article if the property is the subject of an open probate estate or has suffered extensive fire or catastrophic damage within the past ninety (90) days. Any exemption granted shall be for a specific period of time, not to exceed ninety (90) days. However, exemption from the registration requirements shall not constitute approval of any violation of property maintenance standards established by statute or this article.

Sec. 6-331 Penalties.

An ordinance violation citation shall be issued for violating any of the requirements of this article, or for knowingly providing false information or withholding information required to be provided by the registration requirements of this article. Such a citation shall be issued to the owner and shall impose a fine of two hundred and fifty dollars (\$250.00) for the first day of violation, and not less than six hundred (\$600.00) for all subsequent violations. No fine, however, shall exceed two thousand five hundred dollars (\$2,500.00). The citations and fines imposed by this article are in addition to other legal and equitable remedies and enforcement action available to the Town.

Sec. 6-332 Quarterly Administrative Reports Addressing Enforcement.

All Town offices charged with enforcing the regulations set forth in the article shall report on a quarterly basis a written summary of their actions to the Office of the Clerk Treasurer and the Town Council.

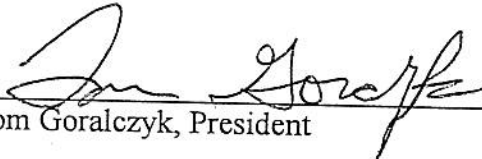
Sec. 6-333 Vacant and Abandoned Building Fund

There is hereby established a Vacant and Abandoned Building Fund for deposit of all registration fees and fines collected under this Ordinance. The Clerk Treasurer or his designee shall have authority for collection, allocation, and expenditure of said revenue (as approved by the Town Council). Revenue in the Vacant and Abandoned Building Fund shall be dedicated solely for all costs reasonably related to the administration of this Ordinance. The Vacant and Abandoned Building Fund shall be administered as a separate line item in the town budget. Money in the Vacant and Abandoned Building Fund shall not revert to the General Fund or any other fund of the town.

Sec. 6-334 Effective Date.

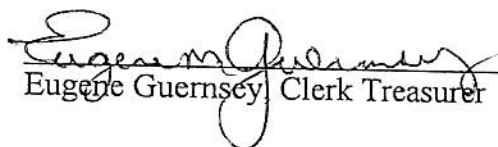
This ordinance shall take effect upon the date of its publication which shall occur within thirty (30) days after its passage.

DULY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE,
INDIANA this 28th day of July, 2015.



Tom Goralczyk, President

ATTEST:



Eugene Guernsey, Clerk Treasurer